

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	The Honorable R. Barclay Surrick
	:	
v.	:	Docket No. 05-440
	:	
TIMOTHY BAUKMAN	:	

ORDER

AND NOW, to wit, this day of , 2008, upon consideration of Defendant's Objections and Re, and the Government's response thereto, the request for a supplemental instructions is hereby GRANTED

J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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	:	
v.	:	Docket No. 05-440
	:	
TIMOTHY BAUKMAN	:	

MOTION TO SUPPLEMENTAL/OBJECTION TO INSTRUCTION

AND NOW comes the defendant, Timothy Baukman, by his attorney, Jack McMahon, Esquire, and files this Motion to Suppress:

1. On February 29, 2008, this court gave a instruction in response to the following jury questions:

a) If multiple defendants are charges with Count 2, “Engaging in a continuing criminal enterprise, does each defendant need to have been found to have individually managed, organized or supervised 5 or more people. ?” and “Can you define direct and indirect in this charge?”

2. The Defendant believes that the court should provide an additional instruction to the jury that in order to find the defendant guilty of count two, each individual defendant must be found guilty of each individual element of the crime.

_____4. The Defendant as argued by co-counsel prior to the instruction believes that the appropriate instruction should have stated that the Defendant must have directly managed, organized

or supervised five individuals other than the co-defendant. In addition, as was argued, the jury should have been instructed that the Government must prove that there was an agreement between at least five individuals that the Defendant individually was the manager, organizer, or supervisor.

Respectfully submitted,

S//

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CERTIFICATE OF SERVICE

I, Jack McMahon, Esquire do hereby certify that on February 29, 2008, I served a copy of the foregoing Motion by electronic filing:

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